APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,585	12/28/2000	Robert C. Phillips	205469	6507

			EXAMINER
23460	7590	05/17/2005	STEVENS, ROBERTA A

LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6780

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/750,585	PHILLIPS ET AL.
	Examiner	Art Unit	
	Roberta A. Shand	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _22 November 2004_.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _1-24_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-24_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　1.☐ Certified copies of the priority documents have been received.

　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

1.   Claims 1-7, 10, 13-17, 20, 21 and 24 are rejected under 35 U.S.C. 102(b) as being

anticipated by Baji (U.S. 5027400).

2.   Regarding claim 1, Baji teaches (fig. 1-6) a non-volatile data storage interface unit, for

use in an information distribution system configured to distribute information assets stored upon

a non-volatile data storage to users (subscribers) via a dynamic data transmission path including

a cell-based switching fabric (ATM exchange), the interface unit comprising: a cell transceiver

(108, 110) connectable to a cell-based switching fabric (ATM exchange, 109) facilitating transfer

of data cells between the non-volatile data storage interface unit (198) and the cell-based

switching fabric (ATM exchange, 109), the cell transceiver (108, 110) comprising; a cell

transmitter (108) coupled to an output of the non-volatile data storage interface unit (198) and

comprising a raw data to cell data formatting circuit; and a cell receiver (110) coupled to an

input of the non-volatile data storage interface unit (198) and comprising a cell data to raw data

formatting circuit; and a first non-volatile data storage controller (199) interposed between the

cell transceiver (110, 108) and the non-volatile data storage (198), the non-volatile data storage

controller (199) comprising circuitry for retrieving and forwarding raw data from the non-

volatile data storage to the cell transmitter; and receiving and storing raw data from the cell

receiver to the non-volatile data storage (col. 24, lines 5-27).

3.   Regarding claims 2-3 and 14, Baji teaches (figure 1-6) a buffer controller coupled to the

non-volatile data storage controller.

4.   Regarding claims 4 and 15, Baji teaches (figure 1-6) the switching fabric is ATM

5.   Regarding claims 5 and 16, Baji teaches (figure 1-6) the switching fabric is a connection-

oriented fabric.

6.   Regarding claim 6, Baji teaches (figure 1-6) the cell transmitter is coupled to a plurality

of non-volatile data storage controllers (186, 105, 132, 130, 128, 103) including the first non-

volatile data storage controller (199).

7.   Regarding claims 7 and 17, Baji teaches (figure 5A-5P and col. 4, lines 19-43) circuitry

for generating a header for a cell.

8.   Regarding claims 10 and 21, Baji teaches (figure 1-6) circuitry (187) processing a header

for a cell received from the switching fabric.

9.   Regarding claim 13, Baji teaches (figure 1-6) a method for transmitting data within an

information distribution system configured to distribute information assets stored upon a non-

volatile data storage (198) to users (subscribers) via a dynamic data transmission path including a

cell-based switching fabric (ATM exchange, 109); comprising: receiving, by a receiver (110), a

data storage asset read command from the switching fabric (ATM exchange, 109); passing by the

receiver (110) to a non-volatile data storage controller (199) the command; receiving from the

storage controlled by the data storage controller (199) new data corresponding to the command;

first transmitting he raw data to a transmitter circuit (108); packaging (assembling), by the cell

transmitter (108), the raw data within cells for transmission on the switching fabric (ATM

exchange , 109); and second transmitting, by the cell transmitter (108) circuit, the cells to the

switching fabric (ATM exchange, 109).

10.   Regarding claim 20, Baji teaches (figure 1-6) a method for transmitting data within an

information distribution system configured to distribute information assets stored upon a non-

volatile data storage (198) to users (subscribers) via a dynamic data transmission path including a

cell-based switching fabric (ATM exchange, 109); comprising: receiving, by a receiver (110),

connected to the switching fabric (ATM exchange, 109), a data storage asset read command from

the switching fabric (ATM exchange, 109); passing, by the receiver (110) to a non-volatile data

storage controller (199) connected to the receiver (110), the command; receiving, by the cell

receiver (109), data cells specifying a hard disk address and raw data; extracting (disassembling)

by the cell receiver (110), the raw data from the data cell; transmitting by the receiver (110), the

raw data to the storage controller (199); and storing, by the storage controller (199) connected to

the storage (198), the raw data.

11.   Regarding claim 24, Baji teaches (figure 1-6) buffering, by the storage controller, the raw

data from the data cells prior to storing.

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

13.   Claims 8, 9, 11, 12 18, 19, 22 and 23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Baji.

14.   As for a CRC and HEC generator, it would have been obvious to one of ordinary skill in

this art to adapt to Baji's system these error check methods as to ensure quality of service within

the system.

Response to Arguments

15.   Applicant's arguments filed November 22, 2004 have been fully considered but they are

not persuasive. Applicant argues that Baji does not teach a non-volatile data storage controller.

Applicant is directed to figure 1-6, where the video mail control unit, 199 is depicted which is

connected to the video mail file, 198 to control the data received from the video mail file. The

video mail file is applicant's data storage unit and the video mail control unit is applicant's data

storage controller. Applicant also argues that Baji does not teach "passing by the cell receiver to

a non-volatile data storage controller, the data storage asset read command". Applicant is

directed to figure 1-6 and col. 24, lines 5-27, where it is depicted and explained that a signal

(read command) is sent to the video mail file (data storage unit) to receive data therein by way of

the video mail control unit (data storage controller). Applicant also argues that Baji does not

teach receiving data cells, extracting the raw data from the data cells, and transmitting the raw

data to the non-volatile data storage controller. Applicant is directed to col. 1, lines 53 – 61,

where it is explained that the cell disassembler 110 removes (extracts) the header thereby

transferring post control information concatenated with predetermined data (raw data). Lastly

Applicant requests specific identification of references suggesting the well known limitation

indicated in the above rejection. Applicant is directed to Norizuki (U.S. 5357510), col. 1, line 54

– col. 2, line 9) where CRC and HEC is used in an ATM system for error detection.

Conclusion

16.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

17.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

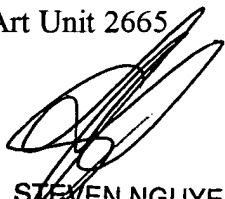the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

18.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Roberta A Shand whose telephone number is 571-272-3161. The

examiner can normally be reached on M-F 9:00am-5:30pm.

19.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

20.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberta A Shand
Examiner
Art Unit 2665

STEVEN NGUYEN
PRIMARY EXAMINER